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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,973	04/28/2005	Morihiro Murata	SON-2860	9133

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EXAMINER

BLOUIN, MARK S

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/532,973

Applicant(s)

MURATA ET AL.

Examiner

Mark Blouin

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/28/05</u> . | 6) <input type="checkbox"/> Other: ____. |

Detailed Action

Claim Objections

1. Claims 5 and 6 objected to because of the following informalities: Claims 5 and 6 refer to cancelled Claim 7. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrews et al (US 5,974,016).
4. Regarding Claim 1, Andrews et al (Figs. 1-5) shows a disc-type recording and/or reproducing apparatus configured to load a disc-shaped recording medium at a recording/reproducing position by pulling a tray in on which the disc-shaped recording medium is mounted, and to perform a recording and/or a reproducing with a head, characterized by including: on a pull-in path of the tray (14), tray detection means (22) for detecting a predetermined portion of the tray; and disc detection means for detecting the disc-shaped recording medium, wherein the tray detection means includes a target section of detection which is provided (Col 4, lines 60-67), along the pull-in direction of the tray, at a predetermined position and the disc detection means (32A) directly detects the disc-shaped recording medium, and a combination of a detection by means of the disc detection means and a detection by means

Art Unit: 2627

of the tray detection means allows to detect whether or not the disc-shaped recording medium is properly mounted on the tray, or of a size of the disc-shaped recording medium (Col 3, lines 66-67; Col 4, lines 1-12).

5. Regarding Claim 2, Andrews et al (Figs. 1-5) shows the disc-type recording and/or reproducing apparatus characterized by including: the tray detection means (22) and the disc detection means on a peripheral edge of an opening, for leading the tray in has, at a front panel (16).

6. Regarding Claim 4, Andrews et al (Figs. 1-5) shows the disc-type recording and/or reproducing apparatus characterized in that: the disc detection means (32A) includes a light emitter and the disc detection means includes the light emitter and the light detector; and the light detector is permitted to carry out the detection operation by allowing the light emitted from the light emitter to be reflected from the disc-shaped recording medium (Col 3, lines 66-67; Col 4, lines 1-12).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al (US 5,974,016).

9. Regarding Claim 3, Andrews et al shows (Fig. 1) a tray detection means (22), but does not show a light emitter and a light detector, and also includes a target section of detection

including a reflective or a non-reflective portion at the tray side; and a detection operation is carried out in which the light detector detects whether or not a light emitted from the light emitter is reflected at the target section of detection.

Official Notice is taken that a light emitter and a light detector, and also includes a target section of detection including a reflective or a non-reflective portion at the tray side; and a detection operation is carried out in which the light detector detects whether or not a light emitted from the light emitter is reflected at the target section of detection, such as the sensor (32A) used for the disc detection as shown by Andrews et al, is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the tray position sensor of Andrews et al with the disc detection sensor as taught by Andrews et al. The rationale is as follows: One of ordinary skill in the art at the time the invention was made would have been motivated to provide the tray position sensor of Andrews et al with the disc detection sensor as taught by Andrews et al in since they are art equivalent detection methods.

Allowable Subject Matter

10. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Blouin whose telephone number is 571-272-7583. The examiner can normally be reached on M-F from 6:00 to 3:30 pm.

Art Unit: 2627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Mark Blouin', with a long horizontal stroke extending to the right.

Mark Blouin
Patent Examiner
Art Unit 2653
August 28, 2006